

ROMANIA: MOVING TOWARD NATO AND THE E.U.



October 1, 2003

Briefing of the
Commission on Security and Cooperation in Europe

WASHINGTON : 2004

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The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 55 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is <www.csce.gov>.

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COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The briefing was held at 10 a.m. in Room 2212, Rayburn House Office Building, Washington, DC, Hon. Benjamin L. Cardin, Ranking Member, Commission on Security and Cooperation in Europe, moderating.

Participants present: Hon. Benjamin L. Cardin, Commissioner, Commission on Security and Cooperation in Europe; Hon. Alcee L. Hastings, Commissioner, Commission on Security and Cooperation in Europe; Livia Plaks, Executive Director, Project on Ethnic Relations; Dr. Renate Weber, Chair, Open Society Foundation, Bucharest, Romania; and Dr. Vlad Tismaneanu, Director, Center for the Study of Post-Communist Societies, University of Maryland.

Mr. CARDIN. Good morning, everyone. This is a continuing effort by the Helsinki Commission here in the Congress to perform its responsibilities of oversight as to how participating States are complying with their obligations under the Helsinki Final Act. Today, we will be exploring Romania's continuing progress, as well as concerns, as that country moves toward full NATO membership and accession into the European Union.

Not too long ago, I had the opportunity to meet with the Foreign Minister of Romania, Mr. Mircea Geoana, in his capacity as Chairman-in-Office of the OSCE along with Commission Chairman Chris Smith and, at that time, Ranking Member Steny Hoyer. We were participating in a U.S. delegation to the ninth annual session of the OSCE Parliamentary Assembly that was held in Bucharest, Romania in July 2000.

We were hosted then by the President of the Parliamentary Assembly, Mr. Adrian Severin, a distinguished member of the Parliament of Romania. I mention all of this because we are certainly strong allies, the United States with Romania. And Romania has provided steadfast support for the Afghanistan and Iraq efforts in our war against terrorism.

Since 1990, Romania has held four national elections and undertaken peaceful transition of government. Parliament openly debates legislation and conducts oversight of government agencies and the citizens of Romania have access to a broad range of print and electronic media. The past decade has seen the strengthening of its civil society.

Now having said all that about the progress that has been made in this country, there are concerns about freedom of speech and press, religious liberty, anti-Semitism, the status of religious and ethnic minorities, including the Roma population, property restitution and efforts at combating corruption. Many observers were shocked by the strength of the ultra-nationalists in the 2000 election.

Next year, Romania will hold its presidential and parliamentary elections for the fifth time since the overthrow of the former Communist regime. So today's briefing will give us an opportunity to be updated as to the progress being made in Romania in further democratizing that country.

Before I introduce our distinguished panelists, let me yield to my colleague, Mr. Hastings, a distinguished member of our Commission, as to any comments that he might want to make.

Mr. HASTINGS. Mr. Chairman, thank you very much. I am delighted that we are holding this briefing, and in light of the fact that people are here to brief us, I'll be brief and be more interested in what they have to say. I did have the good fortune of visiting Romania on two different occasions and serving with our then-colleague, Adrian Severin, as President of the OSCE Parliamentary Assembly. I hope the insights that were gained by virtue of that experience will add to our understanding of the various things that you have outlined, and I would like to associate myself with your remarks. Thank you.

Mr. CARDIN. Thank you very much.

Let me introduce our panelists. The format we will follow will allow each panelist to make the presentations that they desire to make and then we will—assuming we have enough time and in the tradition of these briefings—will allow questions from people that are here. We ask that you identify the group that you're representing if you're representing a group and keep your question or comment as brief as possible.

At this time, let me introduce our three panelists. Dr. Weber is chair of the Open Society Foundation in Bucharest, Romania, is a professor of law at the University of Bucharest. She is the former Vice President of the International Helsinki Federation and has served as an *ad hoc* judge of the European Court for Human Rights. Dr. Weber has written and lectured extensively about international human rights law, and she is a strong advocate for democratic reform.

Ms. Plaks is the executive director and co-founder of the Project on Ethnic Relations, a non-governmental organization which promotes the peaceful resolution of ethnic conflicts. She advises the Council of Europe, the European Union, OSCE and NATO on issues of regional security and inter-ethnic relations in Central and Southeastern Europe. Ms. Plaks is the author of numerous articles and essays and has lectured in the United States, Europe and the Middle East on prevention of ethnic conflicts.

Dr. Tismaneanu is a professor in the Department of Government and Politics and Director of the Center for the Study of Post-Communist Societies at the University of Maryland, of course, one of the great universities of our country. We will give the University of Florida or Florida State an opportunity a little later. The chair exercises his discretion just to point out the outstanding academic institution that it is. Dr. Tismaneanu is the editor of the *Journal of East European Politics and Societies* and serves on the editorial boards of other publications, including the *Journal of Democracy* Human Rights Review. An award winning author and teacher, he has published five books since 1993, and he holds several honorary degrees.

So we'll start with Dr. Weber.

Dr. WEBER. Thank you very much, Mr. Chairman.

Ladies and gentlemen, thank you very much for inviting me to attend this briefing. Thank you very much for the interest you have in the democratic evolution of my country. I think it is fair to say that during the last 13 years, Romania has gone through ups and downs. Although I cherish very much the democratic achievements of my country, I think

it is the role of the NGOs particularly to stress also the shortcomings because they may affect the progress of the country in the long term.

I have to say that the Open Society Foundation by itself or together with other NGOs in Romania has publicly and repeatedly expressed various concerns on some fundamental rights and freedoms, some limitations and restrictions of fundamental rights and freedoms and on some important issues that effect our daily life and development such as corruption, independence of the judiciary, or the upcoming election.

Let me share with you some of our concerns that we have in this respect. One issue that we consider to be very important and really is under certain pressure lately is freedom of association. I will give you just a couple of examples. First of all, it is about freedom of association in political parties. Romania has recently enacted the toughest law in Europe regarding the possibility to set up a political party. The law requires 25,000 members as founding members to set up a new political party.

Why I say it is the toughest is because the second toughest one is in Russia with only 10,000 founding members. But apart from these, in Europe you will find only legal requirements between three persons and 5,000 persons. Now it is a political decision that can hardly be justified. And it was taken in spite of some criticism by the OSCE and by the European Parliament. Because the law not only requires these huge numbers of founding members, but also it requires that the new political party have branches in at least half of the country's administrative departments. In other words, the possibility of a local political party or of a regional political party does not exist.

It also allows the intervention, on a sort of arbitrary basis, of the judiciary on the existence of a party because the law says that if a party fails to have candidates in at least half of the departments of the country in two consecutive elections, then a judge may simply rule out the party, if it is not presented the way we who are working in a democratic aspect and in human rights understand freedom. This is definitely not the standard of freedom in Europe.

Moreover, the same law allows non-governmental organizations to financially support political parties. I am not talking about foundations that are set up by political parties, but by NGOs at large. This is something very tricky and can be very easily abused. We, coming from the NGO sector, have expressed our concern and publicly asked for these provisions to be struck down. Unfortunately we failed. We also are afraid of misusing this possibility when looking to again very recently enacted legislation on NGOs.

In March of this year, amendments were brought to the law regulating associations and foundations. Something very odd was mentioned there, the fact that access to public funds from central budgets or from local budgets is restricted only to those NGOs that have acquired what is called public utility status. This is something entirely in the hands of the government. To give you an example of why this is a concern, out of 27,000 registered NGOs, only 13—one, three—have acquired this status.

Now if access to public funds is limited only to such a small number and we look also into the possibility to financially support political parties, then there is definitely a sort of danger in there how to use the NGOs in order to transfer money from the public sectors to the political parties. By public money, I specifically have in mind hundreds of millions of euros because it is about the E.U. support in the coming years.

Well, unfortunately although several NGOs have repeatedly expressed their concern, all these provisions that I tell you about are still in the law. Another issue of concern is freedom of expression, particularly freedom of media. By media, let me explain a little

bit, because from a legislative point of view, we have made some steps forward. I mean, the legislation, the way it looks right now and the draft of the new penal code would be in compliance with European standards and international standards.

However, I would stress that we are talking only about a draft of the penal code. So we never know what is going to come out of the Parliament. Why do I say this? Because the recent amendments to the constitution that were passed last week, in fact, did not touch upon that very odd restriction in the constitution on defamation of the country and of the nation. It still exists in the constitution. I am wondering if what I am doing right now is defamation of a country or a nation. I do not know. It may very well be. So we need to wait and see how the penal code will come out of the Parliament.

At the same time, a major concern is what is in the country is named, and I am sorry for using this term, the Berlusconiization of the media by local businessmen/politicians. Most of the time, they are the same. They really have taken over the media, written media or electronic media, TV stations, radio stations.

Most of them, I have to admit, do belong to the ruling party. And in probably half of the departments of the country what the public as such receives is just one view, and that is the view promoting the government, the ruling party, cherishing everything that happened, but never actually criticizing some wrong decisions.

Another major concern on freedom of expression is harassment of journalists. And it really takes several forms. Sometimes it is really death threats. Sometimes they were even made in a public way, like, for example, a local mayor in Bucharest, a mayor of a sector belonging to the ruling party who threatened a journalist that he would be put in a trunk, literally. He sort of apologized a couple of days later. But it remains a fact that politicians can use such language. They can even consider threatening the journalists in such a way.

Other threats to journalists really take the shape of violence, violence against themselves, violence against their assets. Here the sad story is that police never identify the perpetrators. So you never actually have convictions of people who behave in this way. Therefore, among the journalists, there is a sentiment, a feeling that whenever they are the victims, they do not enjoy the same protection as any person should enjoy.

I would say that this is not harassment, but in a way, the highest authorities in the country, they also blame almost on a daily basis media on many things. The prime minister and the president, they used to consider that the situation is not that bad, but the media reflections on what is happened in the country is really to be blamed. Recent accusations of corruption, of alleged corruption and plagiarism of two cabinet ministers were, for example, portrayed by the prime minister not as genuine concern for the country, but as proof that media wants to affect the good image of the country outside.

Another media issue relates to corruption. We have recently passed an anti-corruption law. Several NGOs, including the Open Society Foundation, expressed themselves critically about this before it was enacted expressing our concern that due to the vagueness of the wording it could be easily abused.

I can tell you that last week we also had a press conference presenting the analysis after 6 months since the law was enacted. Unfortunately it turned out that our concerns were genuine and that the situation has proven to be correct. After 6 months since the law was adopted by the Parliament, its enforcement is almost nothing.

To give you an example, some of those who had to make their statement on assets did it on a mockery basis, sometimes even in a very arrogant way. Some of the countries'

richest business men and politicians—and by rich, I mean hundreds of millions of dollars, and it is not just a joke, when you read their statement, they do not own even a car or a flat. So the feeling we got is that these guys consider themselves definitely above the law. So what is the message sent to the public? On the local authorities, the law requires the publication of assets of all public servants. Out of more than 3,000 local counselors, only eight succeeded to do it.

So there is a lot of room for our continuous concern unfortunately. Just a few words on something that is a matter of concern for us in the future. That relates to elections. There are many other aspects, but I will limit myself only to elections and then answer your questions on whatever topics you would like to ask me about.

On the elections, a phenomenon which we consider to be very bad has taken place for the last year. More than half of the local mayors and counselors in the country since the last election left their original political parties and joined the ruling party. I know that is very easy to say yes, that was their choice, that was a free choice. But the truth is that it is not that free a choice. Because it relates very much to the type of financial assistance the local council gets from the central budget. It relates also to some threats. There are documents in this respect.

Moreover, I think it is fair to say that although our first elections, the local elections, will take place in June next year, the electoral campaign has already started. And it is not that the electoral campaign has started. It is the abuse of public funds and public institutions to promote the electoral interest of the ruling party that represents a concern. Again, some examples, you may find them spectacular or not. A few days ago, Bucharest, the capital of Romania, celebrated 544 years since it was the first time recorded in a book. Now 544, that is really an important anniversary. Money was allocated from the public budget to the prefect of Bucharest and to the local mayors, all of them belonging to the ruling party, but not to the mayor of Bucharest who belongs to an opposition party.

And the anniversary consisted of, I do not know, providing food and beverages for free for the entire population of Bucharest. But for free, that is a matter of speaking because, in fact, it was my money, the taxpayers' money there. But this is an electoral campaign because every time the mayors were there. So they promoted the ruling party. This is a concern for the population of Bucharest.

Next year, similar things will happen, at least in the eastern part of the country in Moldova because there is going to be another celebration of 500 years since a local king died. Again, public funds, a huge amount of public funds is already allocated to the local councils and mayors to be used in this respect.

And this also, if you want, the electoral campaign is about using every opportunity or misusing, if you want, every opportunity to pass statements on behalf of the prime minister. This year when the school year started, his statement was mandatory to be read in each school in the country. Well, for a country coming from a dictatorship—and that was a long dictatorship—I have to say that we do not feel at all comfortable with such approaches.

Also this summer, it was a religious celebration in August. Again, the statement of the prime minister was supposed to be read in every church. Of course, that was not mandatory because at least allegedly, apparently the state and the church, they are separated. But it was very much possible. And it was done with the assistance of the priests.

These are just some of the concerns we have. As I said, I will be ready to answer any questions you may have. Thank you very much.

Mr. CARDIN. Thank you very much for a very comprehensive update of the current situation in some of the areas that we're very concerned about.

Ms. Plaks?

Ms. Plaks. Mr. Chairman, thank you very much. Let me just start by saying that my organization, an American NGO with offices in Central and Southeastern Europe, does mediation between governments and the representatives of the major minorities in that region. The reason I am starting with this phrase is that I would like to say that we are putting Romania in perspective of the rest of our work.

So, thank you very much for giving me the opportunity to brief you today on Romania and its largest minorities. A profound change has taken place over the past decade in Romania, in our opinion. From presidents to members of a variety of parties, political leaders within Romania have assumed a discourse that would have been unimaginable a mere decade ago. This is the result of a decade of increasingly deliberate, persistent and open dialogue.

People of divergent political persuasions have participated in order to create a national, albeit imperfect, consensus on issues of national importance such as improving ethnic relations in Romania. The international community has played a pivotal role in this effort, including my organization, the Project on Ethnic Relations. But most critical have been the dedication exhibited by Romania's political leaders. Indeed concrete changes that have taken place at the local level are the most meaningful, largely because Romania's people want to feel secure and to live in peace.

But in order to strengthen democracy in the country and build upon its hard-won gains, Romania must follow through both on what it has accomplished and that which it has pledged to accomplish in the future. I will give you a few remarks about the complex relationship with the Hungarian minority.

The relationship between Romania's ethnic majority and ethnic Hungarian minority has seen a complex post-Communist history. A long time has passed, it seems, since the inter-ethnic violence of March 1990 until the present day when participation of the ethnic Hungarian political leaders is visible in the country on the country's political scene.

After the fall of communism and a brief period of euphoria, the political leaders of the two communities barely spoke to one another. The Romanian majority suspected the ethnic Hungarians of disloyalty and separatism, and the Hungarians considered themselves with their distinct culture, oppressed by the Romanian majority and government. Today, a politically sophisticated set of ethnic agreements has been developed, unique in the region, which confers particular benefits on the Hungarian minority while improving Romania's image abroad.

This is due to a great extent—and I would like to underline this—to decisions taken by the Hungarian minority's leadership that participation rather than confrontation should be their preferred approach. For this reason, the Hungarian minority sent its leaders after the revolution of 1989 to represent them in Parliament and, starting in 1996, within the governing coalition.

After the elections of 2000, however, which brought the Party of Social Democracy (formerly known as the PSDR) into power, the Hungarian minority represented by the UDMR, the Democratic Alliance of Hungarians in Romania, decided once again to join the opposition, feeling that the PSD was unsympathetic to their aspirations.

After a brief period of time, however, the PSD appeared to have a change in attitude toward the UDMR and, in 2001, entered the first of three consecutive Protocols of Under-

standing with the Alliance. Indeed, the leadership of the UDMR believed that the Alliance is no longer perceived only as an ethnic party. Rather, the Hungarian minority has come to be seen as part and parcel of the population at large.

The problems it faces are similar to those of the majority population. During the past 3 years through three consecutive Protocols of Understanding between the ruling party and the UDMR, the Hungarian minority in Romania has made gains. With the passing of the law on local public administrations in 2002, communities with minority populations of over 20 percent have obtained the right to have bi-lingual signs as well as the use of their mother tongue in administrative matters.

Recently the use of the mother tongue has been expanded to the judicial system. This is another issue. In addition, the Hungarian minority has secured the return of a large number of schools in the community to be used exclusively by Hungarian pupils with education at all levels in Hungarian. A small percentage of church properties have now been returned, although we all know that much more needs to be done in this matter.

Moreover, the Protocol of Understanding between PSD and UDMR has been negotiated at the local levels as well in many counties, mostly in Transylvania. Such gains notwithstanding, the debate continues.

Recently adopted changes to Romania's Constitution have brought major disputes to the fore. Hungarians would like to see Article 1 of the Constitution that describes Romania as a national state changed, recognizing the fact that Romania is a multi-national state.

In addition, as part of the 2003 Protocol of Understanding between PSD and UDMR, Hungarians expect further changes in the education system at the well-known Babes-Bolyai University in Cluj which would further the education of Hungarian students.

Symbols have always played a significant role in the relations between Romanians and the ethnic Hungarians in Romania. The latest issue concerns the construction of a Liberty Statue in the city of Arad commemorating 13 Hungarian generals killed during the revolution of 1848.

Although accepted by the leadership of the two political parties as part of their Protocol of Understanding, the project was rejected at the last minute by members of the Ministry of Culture and has become the topic of frequent debate. Both UDMR and PSD have undergone changes and splits within their parties. Whether this is due to the stress associated with the cooperation between the two parties which not everyone approves or due to other causes, Romania's ruling party as well as the party of the Hungarian minority now contain a larger segment of individuals who proclaim nationalist tendencies than one year ago.

The demands of the Hungarian "reformers" include a desire for territorial autonomy, dual citizenship with Hungary and other such issues which, not surprisingly, have evoked a strong counter reaction from the Romanian side, both from the PSD as well as other political parties, particularly the Greater Romania Party, an extreme nationalist party, still a major presence on the political scene in Romania.

On the other side, members of the Greater Romania Party have once again issued their demand that the UDMR be excluded from Parliament. Many of these disputes have revived issues that traditionally appear just prior to elections. I agree with Dr. Weber that although Romania will not have national elections before June 2004, local elections will take place. The election campaign seems to have started with nationalist rhetoric

once again. We hope that this rhetoric will be toned down and that reasonable leadership will prevail.

I will now turn to the challenge faced by the Romani minority in Romania. In many ways, it is ironic that the party that has done a lot to advance the rights of the Roma in Romania, the Party of Social Democracy, now has to confront the most difficult problems regarding this minority, including a continuously racist attitude and discriminatory feelings from the majority population.

The question arises whether the problems associated with the Roma in Romania today are so overwhelming that present strategies are inapplicable or whether the government's strategy for the improvement of the situation of the Roma in Romania is not being carried out as it should be.

Developed in cooperation with Romani NGOs, the ambitious strategy includes a four-year action plan as well as 10 year action directives. According to the government, the strategy is on track with some minor delays. To be sure, efforts are indeed being undertaken to implement this strategy. Yet serious challenges remain in the fields of health, education and social security.

What has the strategy accomplished? Perhaps most importantly, it has encouraged the creation of an infrastructure designed to handle Romani issues. Started at the national level (monitoring bodies, inter-ministerial commissions), efforts were later undertaken at the local level, including the designation of Romani experts assigned to the offices of county prefects. The hiring of Romani councilors in some mayors' offices and the formation of county Commissions designed to improve the situation of the Roma in every field.

While the year 2001 was dedicated entirely to building up this infrastructure, no funds were allocated for this strategy. Moreover, what was clearly needed was the development of a qualified group of individuals to handle the Romani issues inside the public administration structures. Regrettably, however, Romani experts were appointed after consultations with a single Romani political organization, the Roma Party. Consequently, the "expertise" and certainly the representation of these appointed persons have been called into question.

Training of these experts took considerable time and was not executed in an efficient manner. The designation of Romani experts could be the key element of the strategy implementation. But these experts must serve party interests first at the moment and the Prefect's interests second. These will not necessarily coincide with the interests of the Romani community as a whole.

The year 2002 has aptly demonstrated that without funding the strategy will fail. Governmental representatives quickly recognized the NGO sector as a valuable resource, both for funding and human capital. Therefore, the infrastructure built to implement the strategy focused on establishing new partnerships in order to accomplish the strategy goals for 2002. The government allocated some funds, mostly through the budgets of various ministries. Yet the lion's share of funding came from the European Union, for example, the PHARE funds.

Various changes in legislation were also made and new laws adopted to influence either directly or indirectly the situation of the Roma in Romania. The law against all forms of discrimination was adopted in order to combat, among others, discrimination against the Roma. In addition, the law which also guaranteed minimum income not meant

exclusively to help the Roma, brought temporary aid to many Romani families in the country.

In order to gain direct access to Romani communities, school and health mediators have been trained and are working with the communities. A law was also adopted to give land to Romani persons. Each year approximately 200 Roma obtain a work place. Additionally, a law against social marginalization was also adopted. A new generation of young Roma has completed their academic studies and is now poised to assist their community.

In short, both an infrastructure and limited human resources exist to help with this challenge. Legislation is adequate and in accordance with international laws in this field. Where then are the problems? In short, the government has devoted an insufficient amount of funding to the strategy's implementation. In addition, local and elected authorities continue to try to expel Romani residents from their communities at the behest of the majority population.

The educational system at the local level is woefully lacking, and the special needs of Romani children are not being met. Low levels of education preclude the Roma from taking advantage of employment opportunities, thus perpetuating negative stereotypes and discrimination against the Romani community.

The country's high unemployment rate also contributes to its poor social conditions and health, underpinning an increasing state of criminality. The rising number of hopeless Romani persons should worry Romania's mainstream society. Indeed, ever increasing violent outbursts threaten the entire society in Romania. There is a fear among experts and observers alike that the tragic attacks of the early 1990s, whereby the Roma were viciously targeted by the majority population could reappear.

This social inequality could cause new inter-ethnic conflicts in Romania. In order to avoid these possibilities, a professional evaluation of the strategy's implementation thus far is critical. We must determine both what was successful and what failed and then discern the causes for the successes or failures.

Education may be the key element in solving most of the problems of the Roma. However, this takes time. Time is running short. Therefore, alternative methods have to be sought. Cooperation among Romani leaders is essential in order to fashion a true partnership with the authorities. Yet this is almost nonexistent at this time. It is important to underscore that a Protocol of Cooperation exists between the government and the principal Romani political party. This is, again, unique in the region.

It would be good to see flexibility from the side of the authorities who are approaching the Roma issues. We must also emphasize the role of the media. It must be part of the solution. Indeed there has been a marked deterioration in the way the Roma are portrayed in the Romanian media. They are represented either as criminals or as misfits that soil Romania's reputation abroad. The perpetuation of past stereotypes has led to several instances whereby citizens have taken the law into their own hands and decided to punish Romani individuals perceived as guilty.

Discrimination and prejudice against the Roma should be fought assiduously with every available means. Finally, the international community should accept the Romani issue as a common problem and not try to isolate it as a regional issue. More than chastisement, those countries of Central and Southeastern Europe with large Romani populations need encouragement.

In conclusion, I would like to say that the country-to-country situation as regards inter-ethnic relations varies considerably throughout Central and Southeastern Europe.

In spite of the challenges that Romania faces with its two largest minorities, few countries have come as far on this front as Romania. With the prospect of NATO and E.U. membership and the newly strengthened relationship with the United States, Romania must realize that there can be no backsliding with respect to reforms on all fronts. Indeed Romania has a unique opportunity to serve as a positive example of ethnic understanding and progress in the region. I stand ready to answer your questions. Thank you.

Mr. CARDIN. Thank you for your presentation.

Dr. Tismaneanu?

Dr. TISMANEANU. Mr. Chairman and all the people who are here, ladies and gentlemen, thank you very much. I think this is a great opportunity to address some of the most important issues regarding Romania's transition. I think that the speakers before me, Renate Weber and Livia Plaks, did a wonderful job in highlighting some of the major weaknesses and achievements of Romania's transition. Being a political scientist, I would like to focus my remarks on the main elements related to Romania's transition to democracy. I am currently completing a book, *Democracy Romanian-Style*, dealing with parties, personalities, and ideologies in contemporary Romania.

I am here to share with you a little bit of my own perceptions of the current state of Romanian democracy. I think we have democracy Italian-style, democracy Greek-style, and we have democracy Romanian-style. A lot is heard about issues related to difficulties experienced by journalists. They are, of course, real, but one needs to take a historically-informed approach. If you look a little bit into the history of Romania, if you look in the 1930s, there is an authoritarian legacy that is not only the legacy of communism, but goes way back to a certain tradition of intolerance that existed and pre-dated communism.

I think that post-communism in Romania needs to be examined thoroughly. I'll say a few things about that. In terms of a political culture, they need three elements in order to achieve more than what we call electoral democracy or what Professor Karen Dawisha might call electocracy or illiberal democracy.

What are the elements that I see as fundamental for that? Ms. Weber mentioned some of them. And Livia Plaks also mentioned some of them. I call them usually the three t's, which means trust, tolerance and truth. These are the three elements that make a viable democracy work properly. Basically if it is viable, it works properly.

This is not an easy task, and we know it. Let's remember that only a year ago, a *Washington Post* column by Jackson Diehl quoted an unnamed senior person from the State Department under the current administration—this was before the elections in Hungary—who said that had Hungary run the same type of rhetoric that Prime Minister Orban was engaged in at that moment, it would be hard to believe that Hungary would have been a NATO member. That played an important role that parties were called in the Hungarian elections. It was used a lot by the Socialist Party and by other groups. And it did create a kind of impact over the Hungarian elections.

So it is not only in Romania. I am trying to "deexceptionalize" a little bit Romania in the story and to say that you see that you have issues like that in other post-communism societies that used to be described by a person I deeply admire, Dr. Zbigniew Brzezinski, as the so-called triangle of hope. I remember asking him if he thought that Romania, Bulgaria, Albania, Serbia, they are the quadrangle of despair or what? What do we do with them?

It turns out at this moment that things are a little bit better. I'll say that a distinguished political philosopher, Lord Dahrendorf, at the beginning of the 1990s, said that

we need to look into two types of politics. One is constitutional politics, and one is normal politics.

In constitutional politics, in an advanced democracy or in a consolidated democracy, people agree upon the fundamental issues. Then they can disagree as much as they want on issues related to this law or that law or this particular event, how it is interpreted and so on. That is normal policy. But the constitutional politics is about fundamental agreement. I think that at this moment Romania has to reach a time of constitutional consensus or political consensus.

The second thing—I do not know why Dahrendorf took precisely these figures, but to quote him, it would take usually 60 years to create a civil society. Some people would argue it may take 600 years. It takes 6 years to create a market economy, and it takes 6 months to start political parties. Basically Romania is moving in that direction; it has real political parties, it has a market economy (still imperfect, still marred by corruption), and it has a civil society (admittedly not always very dynamic).

In June, I spent three days of extended conversations with Romania's president, Ion Iliescu—which has ultimately resulted in a book in Romanian. It was a kind of unusual experience for both of us. I have been on the record, and I continue to be on the record in that book, as I say, from the very beginning, since 1990 to 2003—I have been an often assertive and consistent critic of his performance. So the condition of our discussion was that I would not change my views.

And we discussed many things. I asked President Iliescu if, in June 1990, after the arrival of the miners, the extra-legal force that was brought to Bucharest which basically intimidated the Romanian emerging civil society, so I asked him about the critical conditions under which Romanian democracy was born. But basically that is what is happening with the arrival of the miners.

And the situation, the relations with the West were very critical. I asked him, "Would you have imagined that in 2003, *The New York Times* would have a cover and a front page article about Romania and the United States as friends in arms and establishing NATO bases or military units in Romania?" And he said, obviously, no, obviously, no. I would like to say that this is not simply because of several strategic elements that matter following September 11. It is not only the post-September 11 syndrome.

I think Romania has achieved major transformations. I think that this credit has to be given to the ruling party, the Social Democratic Party.

Also I want to give credit to the Constantinescu presidency.

Mr. Chairman, you mentioned Romania's support for the western military action in Afghanistan and the coalition action in Iraq. I think it should be on the record the role of Romania during the military action in Kosovo in the spring of 1999. It cost President Constantinescu, I would say, simply between 10 and 15 percent of his popularity doing what he did in support of the NATO military intervention in Kosovo. It was not a popular thing. Mr. Iliescu was not a great supporter of that action. He changed his mind in the meantime, but at the moment that President Constantinescu took the pro-NATO stand, that was not a popular decision, and it cost him a lot.

Let's try to assess how Romania has been doing in the first decade, post-revolution decade, almost 14 years now. I think Romania moved from the politics of confrontation to an increased politics of dialogue. Initially we had competing, often irreconcilable, incompatible visions of public good, of strategic choices and even of the definition of economic goals. The main groups polarized. They polarized Romanian society where at that mo-

ment basically—and I put the names, the generic names National Salvation Front, the ruling party that took power after the revolution, on the one hand, and the National Peasant Party, on the other. The former was run by Mr. Iliescu, the latter by former political prisoner Corneliu Coposu (who died in 1995).

This was the background against which we had the rise and then had the fall of the Democratic Convention of Romania. I would like to mention an important book by Professor Dan Pavel, director of the Project on Ethnic Relations [PER] office in Bucharest, about the rise and fall of the Democratic Convention.

I called the year 1996 an electoral revolution. I think it was an electoral revolution. Something very important changed in Romania. Basically, as former foreign minister and one of the most distinguished intellectuals, Andrei Plesu put it, it was the “desacralization” of the presidential office in Romania.

People thought that presidents were for life. Basically between 1948 and 1989, Romania had only two leaders. One was Gheorghiu-Dej and then Ceausescu. Two leaders. Then Iliescu appears and many thought he wanted to stay forever in power. I would even go that far as to say that the democratic opposition predicated its full strategic option on the idea that this is a confrontation with somebody who would not accept the results of the electoral vote.

And it so happened that in November, December 1996, with, I would say reluctance, clearly—but nobody accepts defeat with a sense of pleasure or joy or exuberance. Iliescu accepted the results of the election. What they had is basically “alternance” of power and as democratic consolidation literature would say, basically Romania moved from the first stage of its transition into the stage of consolidation of democracy. I would say that Romania—I think it is fair to say at this moment that the country has come closer to entering NATO and the European Union—Romania is closer to the territory of hope than it was, let us say, five or 6 years ago.

This is the result of two processes. One is the mixed but real record of the Constantinescu presidency that has to be emphasized in my view. It was not just disappointment. I mean, I remember the day after Iliescu’s reelection in 2000 when the weekly magazine 22 published its front page with a black frame as if Romania’s democracy had passed away, like an obituary. I mean, basically the idea was: we are entering a new stage of darkness and barbarity. This has not happened.

There are, however, serious problems. We should be very careful of what I would call the danger of Mexicanization of Romanian politics with a big party that is controlling everything: a combination of big business, big party and control of the unions and control over the electronic media, all the things that Renate mentioned. I fully agree with them. This is a danger, and we have to keep an eye on the nature of the process in Romania in order to avoid the phenomenon that happens sometimes even in consolidated democracies.

Let’s remember recent discussions about Italy. We see how free are the Italians? Italian electronic media right now—and Italy is both a bona fide member of the E.U. and NATO, right? And if I may say so, the prime minister is a well-received guest to a certain place in this country quite frequently.

So I would say that we have a number of great achievements. Simply put—I do not want to go too much into the achievements. They are pretty well known. First of all, the role of personalities remains very important in Romanian politics, but also in the other

post-Communist countries. Think of the difference between Holland and, let us say, the Czech Republic. Think of the role of the prime minister in Hungary, etc.

But I think ideological orientations have become more salient and identifiable. On the left we have the politics of social democracy, PSD. Here I want to say that before the elections of 2004—I am on the record with that—please do not underestimate the importance of President Iliescu's role in the elections of 2004. Simply put, the ruling party is still Ion Iliescu's party.

No matter how powerful Prime Minister Nastase is, no matter how powerful Vice President of the party and Foreign Minister Mircea Geoana—who happens to be a friend, it is still Ion Iliescu's party. Ion Iliescu is—to quote one of the most distinguished Romanian political columnists who, being a strong critic of Iliescu, once told me, “Without any doubt, Ion Iliescu is the most important personality of post-Communist Romania.” I said important. I did not say positive. I did not say negative. I said the most important. That is all I said. Please I do not want to be misunderstood.

Is he still the most important? That is very useful to understand. And it would be very much who Ion Iliescu is going to support that will play a major role in the 2004 elections. At the center, we have important elements, the alliance between the Democratic Party, the party of Mayor Basescu, mayor of Bucharest or headed by Mayor Basescu if I am not wrong, and the National Liberal Party is linked next to the development of a market economy and the development of liberal values in Romania and the emerging middle class in Romania.

I mean, you cannot have a liberal democratic center in Romania if you do not have middle class. I mean, that is, for me, the ABCs. Basically the challenge at this moment, agreeing with what Dr. Weber said, it is a problem for Romania's political past. I wouldn't say the past is the future, but the past matters enormously and legacies matter enormously.

Another point: we still have in Romania a deep gap between professed and practiced values. Or rather, what they call *pays reel* and *pays legal*. That means the legal state and the real state. We will have many, many—the legislation is going to be adjusted to the European Union standards, and it is going to be wonderful and such. The problem is to narrow the gap between the legal state and the real state. That is a challenge for everybody.

I am looking to the alliance of the Democratic Party and the National Liberal Party as a very important political force that is emerging in Romania. I do not know if they are going to be able to win the elections. You know, the jury is still deliberating on that.

Mr. Chairman, can I have another three minutes? Thank you. OK. The problem of extremism is important. First of all, I do not know whether I can honestly describe the Greater Romania Party as a party of the right. It is a populist party, and populism is neither left nor right. It is like an enchanted box in which one can put anything. Further radicalization of this populist party's anti-system rhetoric is camouflaged as anti-corruption. Corruption is indeed a major disease of Romanian society and it has been criticized in various speeches by international organizations, by the American Ambassador to Bucharest, Michael Guest. A major satirical weekly in Bucharest called Mr. Guest a true leader of Romania's opposition. And in some respects, Michael Guest played the role, saying things that sometimes the Romanian opposition does not say.

The Greater Romania Party—can it win? I do not know. I think at this moment the Greater Romania Party is very much exploiting, manipulating, using the weaknesses of

the ruling party and the fragmentation of the opposition. Characteristics of the Greater Romania Party headed by Corneliu Vadim Tudor are the following:

Extolling the military and promoting nationalism in its xenophobic version. It pretends to be anti-political, anti-democratic. For the Greater Romania Party, democracy and pluralism amount to corruption and moral decline, moral ineptitude. At this moment as Romania moves toward NATO, I think the following points should be kept in mind. Political pluralism in Romania is a reality. Media are free. But the ruling party has an inordinate role in state-controlled TV, personal appointments as well as what Dr. Weber mentioned, the local TV, local radio and local media, print media appointments and control.

Second, I think there is a very important issue—I am not an economist, but there is a desperate need to speed up economic reform. It is important that amendments to the constitution are quite clear regarding the protection of property and recognition of a free market. Ethnic tensions, as Livia Plaks mentioned, have significantly subsided in Romania.

Another point that I want to emphasize is that Romania is comparable fundamentally to Poland in terms of very strong pro-Western, pro-NATO and pro-U.S. sentiments and this is not to be disregarded. Political stability is remarkable in comparison to the situation in 1990 and 1996. This is also a legacy of the post-1996 normalization that I mentioned before.

The main threat is corruption. This is recognized by President Iliescu himself who hasn't taken action in this direction. Another element which I think is very important for the whole post-Communist situation in Romania is the crisis of accountability of the institutions. There's very little people can do in terms of holding elected officials accountable.

To conclude, as I said—it is a very important commitment at this moment within the political elite based on the national consensus regarding pro-NATO policies. It is important to address the main issues of the past, including legacies of secret police—this is an important discussion in Romania. It is continuing. We did not have somebody here as an expert, but there is the National Council for the Study of the Securitate (Secret Police) Archives.

But also, as some of you know, there is discussion about what happened, not only during the Communist period, but also during the Fascist period, including some regrettable statements coming from the government and a problematic statement coming from the president.

I want to be on the record. I do not consider President Iliescu either a revisionist or a negationist. I think that people lost a little bit of their temper at the moment they started to call him this. He's a man on the left. He is committed to the values of the left. So he cannot practically adopt the values of Fascist revisionism or something like that. That is not the case. You can be critical of him for 1,000 reasons. But he is not a pro-Fascist negationist. He cannot honestly be compared to Austria's Haider. He needed to spell out clearly the uniqueness of the Holocaust. Some of his remarks in the interview with an Israeli paper were not as clear as they had to be.

Actually I would say that for Romania—with this, I conclude—Romania's political class has to deal with two major challenges: to treat critically the Communist past and to treat critically the Fascist past. Romania would not become a true democracy, a fundamentally consolidated democracy, if it does not simultaneously “de-Fascist-ize” and “de-Commune-ize.” These are two processes that are important in that country. It is not easy.

It has been taking France just to give you one example, 40 years to come to terms and recognize the Vichy legacy.

Romania needs to experience the type of historical processes of the past that it took France or Italy or Germany or Japan so many years. It has to be a process. New generations have to grow up with values and information that will allow them to treat the past in a less, if you want, personalized way and sometime in a less, if you want, hysterical way. Thank you.

Mr. CARDIN. Thank you very much. I think all three of our panelists have really given us a very comprehensive view of Romania today in context to its history and in regards to the fact that it is a complicated situation and a country that is emerging from its past.

Let me just make one observation initially. All three of you mentioned the issues of corruption or sincerity of the government in implementing policies. I mention that specifically because I do chair the second committee, the Economic Committee of the OSCE Parliamentary Assembly. And in conversations I have had with Bruce George, who is the OSCEPA president, we've talked about trying to elevate our work on combatting corruption, on transparency, on enforcement of laws so that we do develop higher standards.

It is very easy to say that we're against corruption. Sometimes it is easy to pass laws that make certain activities corrupt. But if you do not have enforcement, if you do not have a sincere effort, if you do not have public expectation that they would not tolerate corruption, if you do not raise the standards of ethics—the question was brought up about the use of governmental entities to try to influence elections. Well, that may not be corrupt. But it deals with ethics. It deals with expectations of the public.

I guess my first question would be how do we collectively work to impress upon the participating States that we must do better, that we cannot allow the abuse of powers by those who hold it. It is not just Romania. This is a common problem in all the participating States. Although, clearly, it is a problem in Romania that we're not finding the commitment against corruption that is going to be necessary for Romania to continue its progress.

We would appreciate any thoughts you might have on that. I will be raising this issue next week at a meeting with our fellow parliamentarians to develop the agenda for the 2004 meetings of the OSCE Parliamentary Assembly. Any thoughts you may have as to how we could help Romania and help all of our OSCE States would be very useful to us.

Let me move on to a point that was not really covered by any of your presentations, that is the effectiveness of the judiciary within Romania. I am interested in knowing whether individuals have redress. If they feel that they have been harmed by either slander or property actions or discrimination, whether there is an effective way for them to bring these matters to the courts. Also if there is abuse of power by those in power, do the courts at all act as an oversight or break to these types of inappropriate actions?

Just generally, how effective have the courts been in bringing about a more democratic society in Romania?

Dr. Weber?

Dr. WEBER. Thank you. I, in fact, prepared something on the judiciary. But due to the restriction on time, I left it out. But I am happy now to answer this. The judiciary has been a huge concern for the country for the last 13 years. And it has been the target of a constant criticism from the European Commission. Reform of the judiciary did not really take place. Recent initiatives may have an effect in the long run, but definitely not for the time being.

We are confronted at home with a gap indeed between what the law says about the independence of the judiciary and the judges and the daily realities. Because in daily practice, in fact, we do have political pressure on the judiciary. I think that the best example which affected a lot of restitution of property in the country goes back to 1995 when the president at that time and at this time, Iliescu, delivered a speech basically requiring the judges, the courts not to give back the property. This is what happened for years and years. The current situation is that the owners who lost their lawsuits in the country finally got justice in the European Court in Strasbourg, the European Court of Human Rights. There are more than 40 cases where the owners finally got justice. Many other cases are still pending there.

More recently, another type of political pressure, again coming from the president, was in relation to the role of the prosecutors in the country. Because it was a heated debate on limiting the role of the prosecutors. A prosecutor being very much considered as the Soviet prosecutor and, in fact, for giving out all the powers related to search warrants, to arrest warrants to the judge. In this respect, the president again jumped in trying to put some pressure. Fortunately, this time, he was not successful. The constitution—the amendments to the constitution—went on the right track. So in the future, only the judges will have the right to issue arrest warrants and search warrants.

At the same time, however, another recent amendment to the constitution will be very problematic regarding the independence of the judiciary because for the future, the judges will be held responsible, financially responsible for the wrong decisions they will take. Yes, that is really scary.

I cannot imagine how it was possible to be passed in 2003. So for the wrong decision taken either on purpose or because of serious negligence, this is really amazing. Everybody knows that once the judges are held financially responsible, then there is plenty of room for corruption. It is like insurance for malpractice.

Mr. CARDIN. Is there a wall that would protect judges from such pressure?

Dr. WEBER. It is the amendment to the constitution. It is already passed by the president. We're going to vote on a referendum on October 19, which is a very unfortunate situation. It came out as an amendment suggested by the lawyers, the attorneys who are also parliamentarians. To my surprise, and to many other people's surprise, it was passed as such. So that is going to affect the independence of the judiciary.

Mr. CARDIN. Any other comments on the judiciary? You sort of gave a pretty pessimistic assessment here that seems like a major step backwards. I cannot conceive of anyone believing that there is an independent judiciary if the state has the ability to impose a financial penalty on a judge's decision.

Dr. TISMANEANU. First of all, I am not a student of the judiciary actually. Basically most of the things that are criticized have not been changed in the previous administration. And it is not that this is a current administration or the current government. I did not give any kind of alibi for the people right now for not changing or doing this, maintaining a certain problem in the legal system. I am simply saying that for 4 years Romania was run by the groups that are now the democratic opposition in Romania and who are hoping to come back to power. The major legal reforms have not taken place.

Mr. CARDIN. But I guess my point is that if we depend upon the rule of law, if we pass laws that protect people's property or protect people from slander or protect journalists and their freedom of speech, and the courts cannot act independently to enforce that, the

problem is, of course, the government enforcing the laws as passed, but also the courts being a backup. It seems to me that is a pretty fatal flaw in the system.

Dr. TISMANEANU. I could refer to Renate Weber who is a lawyer who follows this thing better than I do. The only thing I know is that there have been some trials about slander, including the trial involving the editor-in-chief of the weekly 22; and the person who was accused of slander had to pay a pretty large amount of money.

Dr. WEBER. Yes. I would like to add that, in fact, the political pressure is very much done through administrative channels because the Ministry of Justice, in fact, does not run the judiciary. But it has power over the administrative leadership of the courts. Yes, over the appointment of the president and the vice president of the courts. In Romania, there are these presidents that assign the cases to the judges. So once you know a judge is an obedient one and he's trustworthy, then you will give that judge the most important and significant cases.

Moreover, many people, particularly from the ruling party, lately have publicly stated that they own the judiciary. In recent scandals related to, again, corruption, abuse of power or things like this, in the end, publicly in interviews they said, "You can say whatever you want. In the end because we own the judiciary, we do not care about it." And this is, again, a statement from last week.

So the feeling that the public can get is indeed the judiciary is not an independent one. This is indeed problematic for the entire country.

Mr. CARDIN. Well, I am not going to question on property restitution issues because we had a briefing last week or the week before on property restitution issues, including Romania. But I will comment to support what you're saying, Dr. Weber, that I had a situation of a person who lived in my congressional district that was as clear a property issue as you could find, clearest title that was taken inappropriately. The property was readily available. It was a very easy case, quite frankly. The courts ruled in her favor.

And you're absolutely correct. The government refused to honor the rulings of the court. Ultimately, she only won because of international press and publicity that was brought on this matter that embarrassed Romania. That is the only reason they relented. We still have very significant property issues in Romania that need to be dealt with, frankly. We're not going to let up our efforts on those areas.

I have been told that the government has sponsored legislation to repeal the criminal defamation part of the penal code. Is that likely to be enacted this year? Does anyone know what the current status is?

Dr. WEBER. Yes. Allegedly the penal code will be discussed by the Parliament this fall. Hopefully it is going to be adopted by the Parliament in its current status. Although improvements may also be taken. But in its current format, it looks like it is in line with the European standards.

Mr. CARDIN. On the Roma minority, there is a challenge because of public opinion. You were mentioning, Ms. Plaks, that there is certainly a significant bias of the population. So you have a federal policy, you have a national policy. My question is how well is that being respected in the local communities? And how do we judge whether it is having an effect by the way that it is administered locally? Is there a mechanism for us to monitor what is happening?

Ms. PLAKS. Well, we have favored decentralization in these countries. This is one of the problems that has come up due to decentralization, namely that local authorities can have the authority to determine events. One of the major problems, as it has been in the

Czech Republic and in many other countries, has been dealing with the local authorities when it comes to the Roma issues.

I believe that this is an issue of education as well as insisting that local authorities do what is right regarding national minorities.

Mr. CARDIN. Thank you. I want to just mention one other issue that I did not hear any extensive discussion on I want to make sure that if there is a problem here—which I believe there is—that it is at least put on the record. That is in regards to religious tolerance, anti-Semitism. I did not hear that addressed in the presentations. So I just want to give you an opportunity at least to comment.

Dr. WEBER. Again, due to lack of time—because, in fact, the foundation itself and personally I myself have been engaged in documenting also issues related to tolerance, I will be happy to give you also a booklet issued by the foundation where independent experts wrote extensively regarding the country's accession to the E.U. You do have two very interesting studies on religion and tolerance there.

The problem is that the ties between the state and the Orthodox Church in the country are closer and closer, I have to say. Instead of going in the right direction of keeping them apart, what we witness now is really an influence of the Orthodox Church upon decisions taken by state authorities. And, of course, there is also a price that is paid back.

So while the Greek Catholic Church did not get back the churches it owned for years and years and were confiscated by the Communist regime, while they did not get those back, the Orthodox Church got huge amounts of money, also from the public budget to build up, to set up huge cathedrals, extremely huge cathedrals. We keep the schools in very poor condition. The kids are obliged to go to schools and to learn in very inappropriate conditions. But at the same time, we build more and more of these kinds of cathedrals.

Fortunately a few weeks ago, the Jehovah's Witnesses were finally recognized and admitted as such as a cult. A cult in the Romanian language is a positive word. So it is considered a religious denomination. Although a few days later, the secretary general of the ruling party when questioned about the reading of those statements of the prime minister in the religious celebration, the way he put it was that in the ruling party they are 100 percent Orthodox believers. "We do not have any sects, any Baptists, any Adventists, any Jehovah's Witnesses." So it was a very disrespectful way of addressing the members of other religious communities. Again a few days later, he was obliged to sort of apologize through a press release. But anyway, the damage was done. To the public, the message is if you are a member of the ruling party, you have to be a true Orthodox believer to be the Christian Orthodox, I mean, believer.

So although fortunately we no longer have in recent years the type of violence we used to have 7 to 10 years ago between some local communities, still I wouldn't say that we are fully compliant with what people would like to see as religious tolerance.

On anti-Semitism, we have enacted some legislation. But legislation is one thing. The daily practice is different. Although I am tempted to agree with Vladimir that—I think that deep in his heart, President Iliescu is not an anti-Semitic person, nevertheless, the statement he made and the interviews he gave when he actually put the equality signs between the Holocaust and affected Jews in considering that exactly the same fate was that of Poles, of Czechs—he mentioned...

Dr. TISMANEANU. He mentioned...

Dr. WEBER. He mentioned the Poles. He mentioned the Communists.

Dr. TISMANEANU. He mentioned the Communists.

Dr. WEBER. The Poles.

Dr. TISMANEANU. The Poles.

Dr. WEBER. Yes.

Dr. TISMANEANU. He should have mentioned Slavic people, homosexuals and disabled. We have seen at the Holocaust Memorial Museum exhibitions, about persecutions of Roma, and gays as part of the Nazi genocidal policies and you see the books burned by the Nazis.

Mr. CARDIN. These statements, of course, were inexcusable in their impact and encouraging anti-Semitism within Romania. I think there has got to be a better explanation than the statements that have been made to date. I know our Commission has a great interest in this, and we will be following up on those comments. If it is a careless statement, then it just encourages anti-Semitism. If it was deliberate, then it is even more troublesome. In both cases, it is something that needs to be dealt with.

In regards to religious issues and anti-Semitism...

Dr. TISMANEANU. First of all, if I may be on the record, my father's brother was burned alive in Odessa. So, I think I have the right even as part of this family to be very sensitive. The horrors of the Holocaust are not issues that happened somewhere sometime. They are burning in the memory of my family. My father's brother was murdered, together with his wife and two kids, in a region under the control of the Romanian army.

So I did participate in many conferences, including at the Holocaust Memorial Museum. I have been writing extensively on Fascism, anti-Semitism and racism. I have been participating in many debates. I think that there are strong forces within the ruling party in Romania, especially among the rank and file—I do not know about the leadership—that are not ideologically that different than those who support the Romania Mare Party. But the ruling party cannot be seen as chauvinistic or anti-Semitic.

The public opinion polls—and there are plenty—do not indicate anti-Semitism as a major issue in contemporary Romania. Unfortunate statements came from the government, which were after that publicly changed and regretted.

Statements and interviews were made which show the need to address the past with responsibility. At the same time, I do not think at this moment that one can make any serious statements saying that there is a deliberate policy of the government in Romania, of the ruling party in Romania, or of the president of Romania, encouraging any form of xenophobia and anti-Semitism.

On the contrary, if I am not wrong, there is an opening from the president to create an historical commission. Elie Wiesel was invited to chair this historical commission and to discuss, as I said in my statement on the record here, to process historical facts not in the form of indictments, not in the form of a prosecutorial—let us say—record, but historical facts to be addressed with a sense of humanity, decency and empathy for the victims. This is, I think, what Romania will have to do. This is the meaning of President Constantinescu's statement at the Holocaust Memorial Museum. When he visited the Holocaust Memorial Museum, he made a very clear statement. I am not aware of a fundamental change in the treatment of these issues.

The fact that it is hard to come to terms with the past, that is very difficult. I mean, that is not only in Romania. It is the same problem in Russia. It is the same problem, as I mentioned in my own statement on the record, in France. It is only President Chirac who accepted that there is a continuity between Vichy France and the Republic of France. For 40 years, Mitterand himself said that was a parenthesis in French history. It did not have anything to do with France.

Mr. CARDIN. I appreciate those statements. Chairman Smith has been one of the international leaders on raising the issue of anti-Semitism and what we can do in order to stamp out anti-Semitism and religious intolerance. We believe they are very much connected. The U.S. delegation to the OSCE Parliamentary Assembly, as you know, has sponsored several forums and we now have the ministers holding separate meetings on anti-Semitism. As part of that strategy, one of the obligations, we think, that every parliamentarian has, every member of government, is to be prepared to speak out when comments are made in our countries that feed on anti-Semitism.

We've had that problem here in the United States. We've had that problem here in the U.S. Congress. As painful as it is, we have, I think, exercised that responsibility. In Romania, I do not believe that has been the case. The statements made that try to support comments that the Holocaust never really happened or that it wasn't aimed at Jews only, I think, feed on those who are anti-Semitic.

Even though the person who makes those statements may, in fact, not be anti-Semitic, a person must be held accountable if he is in a high office. It is the responsibility of those who are in government to speak out. That is the only way we're going to stop the spread of anti-Semitism. I do not believe that Romania has met that standard in this case, and that is an issue that we will be focusing on certainly.

Ms. PLAKS. We have been confronted in working in the region and in Romania with the issue of political extremism. Anti-Semitism, of course, is one facet of it. The irony, of course, is that there is anti-Semitism without Jews. My background will definitely entitle me to say that I also believe, like Vlad Tismaneanu, that anti-Semitism is not an issue *per se* in Romania. It is an issue among certain members of the political class. But I believe that it is a matter of changing mentalities. Changing mentalities after the fall of communism will take time.

I believe that once you have opened dialogue on this, you can make some progress. In fact, we have tried and we have succeeded to bring a number of political leaders to the table to discuss the issue of political extremism and anti-Semitism. We did this about a year ago. Unfortunately, I do not have a completed report. I have to tell you that there was a very open and sincere dialogue. It was done without the media present.

In Romania, the greatest concern was the issue of Vadim Tudor and the Greater Romania Party. The name of Vadim Tudor, in fact, came up so many times during the dialogue that we decided to just call him Mr. X. There was a total, complete obsession with his name and with his personality among the political leaders.

Mr. CARDIN. We now have a few minutes remaining if there are questions that want to be posed by people that are here. We'd be glad to hear from you. If not, let me thank all three of our panelists. I think this has been extremely helpful. I started this briefing by pointing out that the responsibility of the Helsinki Commission is to monitor activities in the participating States of the OSCE.

Each OSCE state has made certain commitments. And it is the legitimate concern of any other OSCE state to review and to challenge actions within that country as it would be right for Romania to raise issues about activities here in the United States. And, in fact, some of our colleagues have raised issues about conduct here in the United States. We take each one of those issues very seriously. We have tried to respond to actions that have been brought against our own country so that we can be stronger in our commitments to the Helsinki Process.

Romania, as I stated at the beginning of this briefing, is a close ally of the United States. They have made tremendous improvements in their own country since the fall of the Communist regime. There are still areas of concern as they move toward accession into NATO and into the European Union, it is important that the progress continue to be made. We think the information that has been presented today will help us in carrying out our responsibilities.

So I want to thank again our distinguished panelists. They were very helpful for us carrying out our responsibilities.

[Whereupon the briefing ended at noon.]

APPENDICES

PREPARED STATEMENT OF MS. LIVIA PLAKS, EXECUTIVE DIRECTOR, PROJECT ON ETHNIC RELATIONS

Mr. Chairman,

Thank you for giving me the opportunity to brief you today on Romania and its largest minorities. A profound change has occurred over the past decade in Romania. From presidents to members of a variety of parties, political leaders within Romania have assumed a discourse that would have been unimaginable a mere decade ago—this, the result of a decade of increasingly deliberate, persistent, and open dialogue. People of divergent political persuasions have participated in order to create a national, albeit imperfect, consensus on issues of national importance, such as improving ethnic relations in Romania. The international community has played a pivotal role (including my organization, the Project on Ethnic Relations) in this effort. But most critical has been the dedication exhibited by Romania's political leadership. Indeed, concrete changes that have taken place at the local level are the most meaningful, largely because Romania's people want to feel secure and to live in peace. But in order to strengthen democracy in the country and build upon its hard-won gains, Romania must follow through both on what it has accomplished, and that which it has pledged to accomplish in the future.

THE COMPLEX RELATIONSHIP WITH THE HUNGARIAN MINORITY

The relationship between Romania's ethnic majority and ethnic Hungarian minority has seen a complex post-Communist history. A long time has passed it seems, since the interethnic violence of March 1990 until the present day participation of the ethnic Hungarian political leaders in the country's political scene.

After the fall of communism and a brief period of euphoria, the political leaders of the two communities barely spoke to one another. The Romanian majority suspected the ethnic Hungarians of disloyalty and separatism, and the Hungarians considered themselves, with their distinct culture, oppressed by the Romanian majority and government. Today, a politically sophisticated set of ethnic agreements has been developed, unique in the region, which confers particular benefits on the Hungarian minority while improving Romania's image abroad. This is due to a great extent to a decision taken by the Hungarian minority's leadership that participation, rather than confrontation should be their preferred approach. For this reason, the Hungarian minority sent its leaders after the revolution of 1989 to represent them in Parliament, and starting in 1996, within the governing coalition. After the elections of 2000 however, which brought the Party of Social Democracy (PSD—formerly PDSR) into power, the Hungarian minority, represented by the UDMR (Democratic Alliance of Hungarians in Romania), decided once again to join the opposition, feeling that the PSD was unsympathetic to their aspirations. After a brief period of time however, the PSD appeared to change their attitude toward the UDMR and in 2001 entered the first of three consecutive Protocols of Understanding with the Alliance. Indeed, the leadership of the UDMR believes that the Alliance is no longer perceived only as an ethnic party. Rather, the Hungarian minority has come to be seen as part and parcel of the population at large; the problems it faces are similar to those of the majority population.

During the past three years, through three consecutive Protocols of Understanding between the ruling party and the UDMR, the Hungarian minority in Romania has made significant gains. With the passing of the Law on Local Public Administration in 2002, communities with minority populations of over 20 percent have obtained the right to have bi-lingual signs, as well as the use of their mother tongue in administrative matters. Recently, the use of the mother tongue has been expanded to the judicial system. In addition, the Hungarian minority has secured the return of a large number of schools to the community to be used exclusively by Hungarian pupils with education at all levels in Hungarian. A small percentage of church properties have now been returned to the Hungarian community, although more needs to be done in this matter. Moreover, the Protocol of Understanding between PSD and UDMR has been negotiated at the local levels in many counties, mostly in Transylvania.

Such gains notwithstanding, the debates continue. Recently adopted changes to Romania's Constitution have brought major disputes to the fore. Hungarians would like to see Article 1 of the Constitution that describes Romania as a national state be changed recognizing the existence of minorities. In addition, as part of the 2003 Protocol of Understanding between PSD and UDMR, Hungarians expect further changes in the education system at the well-known Babes-Bolyai University in Cluj which would further the education in Hungarian of the students of that ethnicity.

Symbols have always played a significant role in the relations between Romanians and the ethnic Hungarians in Romania. The latest issue concerns the construction of a Liberty Statue in the city of Arad, commemorating 13 Hungarian generals killed during the revolutions of 1848. Although accepted by the leadership of the two political parties, the project was rejected last minute by members of the Ministry of Culture and has become the topic of heated debates between both ethnicities.

Both UDMR and PSD have undergone changes and splits within their parties. Whether this is due to the stress associated with the cooperation between the two parties of which not everyone approves, or due to other causes, Romania's ruling party, as well as the party of the Hungarian minority, now contain a larger segment of individuals who proclaim nationalist tendencies than one year ago. The demands of the so-called Hungarian "reformers" include a desire for territorial autonomy, dual citizenship with Hungary, and other such issues which not surprisingly have evoked a strong counter-reaction from the Romanian side, both from PSD as well as the other political parties, particularly the Greater Romania Party, which is still a major presence on the political scene. On the other side, members of the PRM (Greater Romania Party) have once again issued their demand that the UDMR be excluded from Parliament.

Many of these disputes have revived issues that traditionally appear just prior to elections. Although Romania will not have national elections before the end of 2004, local elections will take place soon and the election campaign seems to have started with nationalist rhetoric once again. We hope that the rhetoric will be toned down and that reasonable leadership will prevail.

THE CHALLENGES FACED BY THE ROMANI MINORITY

It is ironic that the party that has done the most to advance the rights of the Roma in Romania—the Party of Social Democracy now has to confront the most difficult problems regarding this minority, including a continuously racist attitude and discriminatory feelings from the majority population toward them.

The question arises whether the problems associated with the Roma in Romania today are so overwhelming that present strategies are inapplicable, or whether the Government Strategy for the Improvement of the Situation of the Roma in Romania is not being carried out as it should be? Developed in cooperation with Romani NGOs, the ambitious Strategy includes a four-year action plan as well as ten-year action directives.

According to the Government, the Strategy is on track with some minor delays. To be sure, efforts are indeed being undertaken to implement the Strategy. Yet serious challenges remain in the fields of health, education and social security. What has the Strategy accomplished? Perhaps most importantly it has encouraged the creation of an infrastructure designed to handle Romani issues. Started at the national level (monitoring bodies, inter-ministerial commissions), efforts were later undertaken at the local level including the designation of Romani experts assigned to the offices of county Prefects, the hiring of Romani councilors in some mayor's offices, and the formation of county commissions designed to improve the situation of the Roma in every field.

While the year 2001 was dedicated entirely to building up this infrastructure, no funds were allocated for the Strategy. Moreover, what was clearly needed was the development of a qualified group of individuals to handle the Romani issues inside the public administration structures. Regrettably, however, Romani experts were appointed after consultations with a single Romani political organization, the Roma Party (Partida Romilor). Consequently, the "expertise" and certainly the representativeness of these appointed persons have been called into question. Training of these experts took considerable time and was not executed in an efficient manner. The designation of Romani experts could be the key element of the Strategy's implementation, but these experts must serve party interests first and the Prefect's interests second. These do not necessarily coincide with the interests of the Romani community as a whole.

The year 2002 has aptly demonstrated that without funding, the Strategy will fail. Governmental representatives quickly recognized the NGO sector as a valuable resource, both for funding and human capital. Therefore, the infrastructure built to implement the Strategy focused on establishing new partnerships in order to accomplish the Strategy's goals for 2002. The Government allocated some funds, mostly through the budgets of various ministries, yet the lion's share of funding came from the European Union, for example, the PHARE funds.

Various changes in legislation were also made and new laws adopted to influence either directly or indirectly the situation of the Roma in Romania. The law against all forms of discrimination was adopted in order to combat among others, discrimination against the Roma. In addition, the law for guaranteed minimum income (not meant exclusively to help the Roma) brought temporary aid to many Romani families in the country. In order to gain direct access to Romani communities, school and health mediators have been trained and are working with the communities. A law was also adopted to give land to Romani persons. Each year approximately 200 Roma obtain a workplace. Additionally, a law against social marginalization was also adopted. A new generation of young Roma has completed their academic studies and is now poised to assist their communities.

In short, both an infrastructure and limited human resources exist to help meet this challenge. Legislation is adequate and in accordance with international laws in this field.

Where then are the problems? In short, the Government has devoted an insufficient amount of funding to the Strategy's implementation. In addition, local elected authorities continue to try to expel Romani residents from their communities at the behest of the majority population. The educational system at the local level is woefully lacking and the

special needs of Romani children are not being met. Low levels of education preclude the Roma from taking advantage of employment opportunities thus perpetuating negative stereotypes and discrimination against the Romani community. The country's high unemployment rate also contributes to its poor social conditions and health, underpinning an increasing rate of criminality.

The rising number of hopeless Romani persons should worry Romania's mainstream society. Indeed, ever-increasing violent outbursts threaten the entire society in Romania. There is a fear among experts and observers alike that the tragic attacks of the early 1990s, whereby the Roma were viciously targeted by the majority population, could recur. This social inequality could cause new interethnic conflicts in Romania.

In order to avoid this possibly explosive situation, a professional evaluation of the Strategy's implementation thus far is critical. We must determine both, what was successful and what failed and then discern the causes for these successes and failures. Education may be the key element to solving most of the problems of the Roma. However, this takes time and time is running short. Therefore, alternative methods must be sought. Cooperation among Romani leaders is essential in order to fashion a true partnership with the authorities, yet this is almost non-existent at this time. (It is important to underscore however, that a protocol of cooperation exists between the government and the principal Romani political party). A high level of flexibility on the part of the authorities in addressing Romani issues is also needed, yet this too is virtually non-existent.

The media must also be part of the solution. Indeed, there has been a marked deterioration in the way the Roma are portrayed in the Romanian media. They are represented either as criminals, or as misfits that soil Romania's reputation abroad. The perpetuation of such stereotypes has led to several instances whereby villagers have taken the law into their own hands and decided to punish Romani individuals perceived as guilty of misdeeds.

Discrimination and prejudice against the Roma should be fought assiduously with every available means. Finally, the international community should accept the Romani issue as a common problem and not try to isolate it as a regional problem. More than chastisement, those countries of Central-Southeastern Europe with large Romani populations need encouragement.

The country-to-country situation as regards interethnic relations varies considerably throughout Central-Southeastern Europe. In spite of the challenges that Romania faces with its two largest minorities, few countries have come as far on this front as Romania. With the prospect of NATO and EU membership and the newly strengthened relationship with the United States, Romania must realize that there can be no backsliding with respect to reforms on all fronts. Indeed, Romania has a unique opportunity to serve as a positive example of ethnic understanding and progress in the region.

**STATEMENT SUBMITTED BY
LÁSZLÓ HÁMOS, PRESIDENT,
HUNGARIAN HUMAN RIGHTS FOUNDATION**

The Hungarian Human Rights Foundation (HHRF) appreciates the opportunity to submit this statement. We especially value the attention the Commission is devoting today, fourteen years after the fall of communism, to the continuing need for Romania to fully implement the values of democracy, human rights and respect for the rights of minorities. Prior to the first round of NATO enlargement, the three candidate countries (Poland, the Czech Republic and Hungary) were closely scrutinized to ascertain the degree to which domestic reforms and friendly relations with neighboring states qualified them for membership in the NATO “community of shared values.” During the current round of enlargement, the Administration and Congress, pressed to form alliances in the face of the terrorist threat to global security, essentially overlooked the membership criteria so important during the first round. For NATO to retain its role as the premier political and military alliance of our time, however, it must take care not to import the very sources of instability which it seeks to combat. Compliance with the NATO criteria, therefore, must occur, if not prior to accession, then after it. For these reasons HHRF believes that the Commission briefing today is a timely and indispensable service to the interests of America and NATO.

Romanian Government action to institute genuine respect for the rights of national minorities, including 1.5 million ethnic Hungarians, has been uneven and deficient. This summary will focus on the shortcomings in six areas. HHRF urges the Commission to highlight these matters in future discussions and communications with Romanian officials.

1. DENYING THE SYMBOLS OF ETHNIC IDENTITY: DUPLICITY AND UNLAWFUL ACTS IN BARRING THE FREEDOM STATUE OF ARAD

Official delays and breaking the repeated pledge to re-erect an important Hungarian symbol—the Freedom Statue in the city of Arad—represents a current illustration of flagrant disregard for minority sentiments, the deliberate polarization of ethnic communities and artificial heightening of tensions, central government action to overrule local decision-making, and a seemingly purposeful disruption of harmonious bilateral relations. Following months of restoration, on October 5, 2003 the Freedom Statue—originally erected in 1890 to commemorate the 1848 Hungarian revolution against Austrian rule—was to be ceremoniously unveiled at Fireman’s Square in the Western Transylvanian city of Arad. What should have been fulfillment of a reasonable and legitimate Hungarian community and local aspiration, has resulted in the alienation of the Hungarian community and the escalation of domestic and bilateral tensions through the Romanian leadership and central authorities’ subterfuge and backtracking.

Restoring the statue to its former dignity was a cherished desire of the Hungarian community since the 1989 overthrow of communism. Although already included in the 1998 Romanian-Hungarian Bilateral Agreement, it was in 2001 that the issue was included in the Cooperation Agreement between the ruling Social Democrat Party (PSD) and the Democratic Alliance of Hungarians in Romania (DAHR), reinforced through an agreement at the county level as well. Considering the matter on the track to resolution, DAHR took it off the agenda for their 2002 and 2003 agreements with the PSD. In fact, on November 26, 2002, the Arad City Council voted 2.2 Billion Lei (approx. \$66,000) to restore the

statue and re-erect it at a central location. Meanwhile the Freedom Statue Society—a domestic NGO—began an international fund-raising campaign, collected 300,000 Euros, and began restoration work. Unbeknownst to the Hungarian community and its leadership, the National Public Historic Commission of the Ministry of Culture issued a secret decision against the restoration on July 18, 2003. The national leadership concealed the news of its about-face until the well-known nationalist PSD Senator Adrian Paunescu “accidentally” revealed it in an August 18 television interview. Consequently, work ceased at the site.

Despite appeals by the DAHR leadership and intercessions by Hungarian President Ferenc Mádl and Prime Minister Peter Medgyessy, the Romanian leadership remains unwilling to honor its numerous commitments to allow the statue. What is most disturbing and perplexing is, why?

Whereas true cooperation could have been achieved on a clearly local matter, it has been deliberately escalated to the level of a national crisis, creating an artificial polarization between Romanians and Hungarians. On September 30, Romanian Prime Minister Adrian Nastase said in Strasbourg that “the sensitivities of Romanians also have to be considered,” thereby once again hiding behind pressure from extreme nationalists who apparently need to be appeased.

After needlessly antagonizing the Hungarian minority, the Romanian leadership is now offering a “compromise,” where none is warranted, to create a “park of reconciliation” which would house the Freedom Statue along with other Romanian symbols. The message to the Romanian people is unmistakable: whatever reaffirms Hungarian identity, the region’s Hungarian past, and is “only” Hungarian, can only be interpreted as “anti-Romanian.”

2. CHURCH AND COMMUNITY PROPERTY RESTITUTION STILL UNRESOLVED

Romania’s failure to restore 2,140 properties confiscated from Hungarian churches represents a fourfold breach of Helsinki commitments. By failing to undertake timely and necessary measures, the government (1) curtails religious liberties, (2) violates the sanctity of private property, (3) encroaches on the rights of minority communities, and (4) denies the material resources to build civil society.

Fourteen years after the fall of communism, on June 25, 2002, the Romanian parliament adopted Law No. 501/2002 on restitution of properties illegally confiscated from religious denominations under communism in the period 1945-1989. The four historic Hungarian Churches (Roman Catholic, Protestant, Lutheran and Unitarian), and the community they serve, were filled with hope that the restitution process would finally begin. The Law, not prepared in consultation with the affected Churches is grossly deficient, however, and major remedies are warranted. Beyond these shortcomings, still other government-imposed impediments prevent progress. Since the overdue October 17, 2002 adoption of the law’s implementing provisions, the Hungarian Human Rights Foundation has issued six documents monitoring developments (<http://www.hhrf.org/natoexpansion/index.htm>). In January 2003, in consultation with the Churches themselves, we identified twelve minimum measures which the Romanian Government needs to take in order for the restitution process to begin (<http://www.hhrf.org/13requirements.htm>). Of particular note is that the aforementioned Law does not address the issue of properties also confiscated under communism from minority communities (“communal properties”), thus leav-

ing this a still unresolved issue. In May 2003 a proposal for drafting such a law, based on two former government decrees (Nos. 13/1998 and 83/1999), was submitted to the Romanian cabinet by the then-Ministry for Public Administration. The government has yet to even consider the document, much less introduce the promised bill in Parliament. The affected communities should be included in the drafting process.

The Special Committee set up to implement the Law has met a mere three times and ruled on only 118 claims out of a total 7,568 submitted by the March 2 deadline. The total number of claims approved at these meetings for the four historic Hungarian churches was 71. The rightful owners have, however, still not regained title to, or occupancy of, even these 71 properties, since the Special Committee has not mailed them the necessary written decisions. At its current pace, it will be nine years before the Special Committee merely processes the claims.

3. FAILURE TO RESTORE THE INDEPENDENT HUNGARIAN STATE UNIVERSITY IN CLUJ/KOLOZSVÁR

Education in the native language is probably the single most important factor for ensuring the collective survival of an ethnic minority. Yet, another year will pass without adequate Hungarian-language education at the Babes-Bolyai University in Cluj/Kolozsvár. Before the end of the 2002/03 school year, ethnic Hungarian professors at the institution again submitted a request to the university senate to establish two Hungarian divisions (humanities and natural sciences), which would integrate the existing Hungarian departments. As in the past, the issue continues to be passed back and forth between the university leadership, which cries insufficient monies; and the government, notably Education Minister Ecaterina Andronescu, who evades action under the guise of “academic autonomy.” The current Romanian Government is on record avowing that it will facilitate this measure: (1) the 2002 Cooperation Agreement between the ruling PSD and the Democratic Alliance of Hungarians in Romania states it, and (2) at a April 19, 2002 Bucharest meeting with representatives of the Hungarian Human Rights Foundation, Romanian Prime Minister Adrian Nastase pledged that the issue would be quickly resolved.

Background: Immediately after the 1989 Romanian revolution, the governing National Salvation Front explicitly pledged to restore the independent Hungarian-language Bolyai State University, which the former dictator Nicolae Ceausescu abolished in 1959 by forcibly merging it with the Romanian Babes University. The demise of the 500 year-old Bolyai University heralded the regime’s campaign to eliminate all native-language education and severely traumatized the Hungarian community. Today, the numbers show that ethnic Hungarians are disproportionately underrepresented in the country’s colleges and universities, thus under-educated and disadvantaged compared to ethnic Rumanians. According to the 2002 national census, 6.6 percent of the country’s population is ethnic Hungarian, yet in the 2001/02 academic year, merely 4.3 percent of students enrolled in institutions of higher education were of Hungarian nationality.

4. ANTI-HUNGARIAN BIAS IN THE JUDICIAL SYSTEM

The selective prosecution of ethnic Hungarians in Romania has not even been addressed, much less corrected, to this day. On February 12, 2003, the last ethnic Hungarian imprisoned for participation in revolutionary acts related to the 1989 overthrow of communism, Antal Reiner, was released on good behavior. The release of Reiner, a political prisoner who was not pardoned by Romanian President Ion Illiescu as would have been

warranted, does not unfortunately signify that justice was finally served. In fact, none of the 13 ethnic Hungarians selectively prosecuted, convicted and sentenced to a combined total of 145 years for their December 1989 resistance to the Ceausescu regime have been rehabilitated. Not only were these individuals wrongfully sentenced and most imprisoned with no legal or financial recourse, but for some, the victimization by the Romanian judicial system has not ended. For example, the court ordered Reiner, his other co-defendants to pay 250 million Lei (approx. \$8,000) in “damages.”

Background: The selective prosecution and conviction of these 13 ethnic Hungarians for actions that were hailed as “heroic” when committed by ethnic Romanians, presents compelling evidence of a strong anti-Hungarian bias in the judicial system. Of the six police fatalities that occurred in December 1989 in the two Hungarian majority inhabited counties of Harghita and Covasna—three ethnic Romanian and three ethnic Hungarian—prosecution occurred only in the ethnic Romanian cases. Consequently, 13 ethnic Hungarians from these two counties were handed a combined sentence of 145 years, out of which 34 years and 7 months were actually served. After seven men were freed by presidential pardon in March 1994, three of them died, two committing suicide. Even though a January 1990 general amnesty (Law 3/1990, Article 1) issued by then Interim President Ion Iliescu had granted amnesty to participants of lynchings during the revolution, it was never applied in the above-mentioned cases.

In fact, the selective prosecution continued. The Council of Europe’s Opinion 176 of 1993 specifically called on the Romanian authorities to “reconsider in a positive manner the issue of releasing those persons imprisoned on political or ethnic grounds.” But it was in 1999, a full six years later, that six defendants from Targu Secuiesc were sentenced to several years, four of them in absentia. The two who were in the country, Reiner and Dezső Héjja, were imprisoned; These six ethnic Hungarians were singled out for the lynching of the local representative of dictatorial rule, Aurel Agache, a particularly brutal police major who, on December 22, 1989, armed with his service revolver, tried to prevent the crowd from entering the local Communist Party headquarters in the town.

The Romanian legal system has served well the interests of the Agache family: Since the defendants were not able to pay the exorbitant monies awarded in “compensation” to them, the son of the deceased, Aurel Dionisie Agache, sued. Spurred on by anti-Hungarian invective generated in the Parliament by the president of the Greater Romania Party Senator Corneliu Vadim Tudor, and capitalizing on the fact that Reiner and Hejja’s records have not been expunged, justice continues to evade the true victims and condones the aggressors.

5. OBSTRUCTING BILINGUALISM IN PUBLIC ADMINISTRATION

The Law on Public Administration (215/2001), adopted on May 23, 2001 mandated the use of the native language, and the display of bilingual government institution, street- and place name signs, in localities where a minority population exceeds 20 percent. As a result, a total of 1,072 localities became eligible to use the Hungarian language in public administration. However, the rule of law is seriously undermined by the near total failure to actually implement the law in Alba, Satu Mare, Arad, Maramures and Cluj counties. The centrally-appointed government Prefects—legally bound to oversee the upholding of laws locally—refuse to file charges against Cluj/Kolozsvár Mayor Gheorghe Funar and other violators.

Even where the law is ostensibly implemented, its intent is often violated. The public administration law, for example, mandates that in those local councils where a minority members make up at least one-third of the body, the native language can be used in proceedings. In the case of the Mures/Maros County Council, simultaneous translating devices were purchased in February 2003 for 800 million Lei (approx. \$24,200). When the ethnic Hungarian council members, however, spoke up in Hungarian, three members from the ultra-nationalist PUNR and Greater Romania Party vehemently objected, quitting the proceedings in “protest.” Another member, Doru Opriscan of the National Liberal Party, appealed to his Hungarian colleagues not to avail themselves of their right for the sake of expediency and efficiency. The ethnic Hungarian councilors are constrained into self-censorship, since whenever one of them tries to speak in Hungarian, the debacle is repeated. The 75 percent Hungarian-inhabited Sfintu Gheorghe has had its translating apparatus ever since the law was adopted two years ago. The three ethnic Romanian members of the city council, however, refused to use the headset, because it “singles them out.” After two years of refusal to participate in the work of the body, except to vote against every proposal brought before the council, a compromise was recently reached: The proceedings are translated into Romanian and now amplified, so the offended members do not have to wear the headsets.

6. HINDERING FREEDOM OF ASSOCIATION; SUPPRESSING DECENTRALIZATION AND LOCAL AUTONOMY

The Romanian Government’s commitment to plurality, freedom of expression and association, and the fundamental democratic underpinnings of decentralization and local autonomy are seriously called into question by the banning of political parties dedicated to these principles. A case in point is the fate of the multi-ethnic Transylvania-Banat League.

On February 3, 2003 the Bucharest Court of Appeal rejected an appeal logged by the Transylvania-Banat League against a recent Bucharest Court decision that had declined to register the organization as a political party. Subsequently, president of the banned entity, Sabin Gherman, told the Hungarian-language daily *Krónika* that the League would initiate legal action against the Romanian state at the Strasbourg European Court of Human Rights for violation of the right to association, as guaranteed by the Romanian Constitution.

The League was founded by ethnic Romanian journalist Sabin Gherman on March 23, 2002 to promote decentralization and local autonomy in Romania. On November 13, 2003, Costica Iconomu, President of the Bucharest Court rejected the League’s application alleging that the organization’s support for European regionalism undermined the Romanian nation state. The Court also objected to the fact that the League’s emblem contained the stars of the European Union’s symbol.

**LETTER TO CHAIRMAN CHRISTOPHER H. SMITH
AND CO-CHAIRMAN BEN NIGHTHORSE CAMPBELL
FROM IOAN CATON PALTINEANU, PRESIDENT,
PALTIN INTERNATIONAL INC.**

Ref: Helsinki Commission Briefing to Examine Property
Restitution and Compensation In Post-Communist Europe,
September 10, 2003, 334 Cannon House Office Building.

DEAR SIRS,

We are pleased and honored to address your continuous effort supporting the American Citizens of Romanian origin in their claim of integral restitution of private properties confiscated by the Communist regime, and still illegally exploited by the current neo-Communist government in Romania. Planning for a special Briefing to Examine Property Restitution and Compensation in Post-Communist Europe, we can inform you that the situation in Romania has deteriorated since the Hearing of July 16, 2002. The neo-Communist President of Romania, Ion Iliescu, has recently attacked the legal claims of Jews deposited of their private properties during and after the World War II period in Romania. He is sending a clear signal to all claimants of any origin (American, Romanian, Jew and others) that today's Romanians should not be "skinned" for the nationalization of properties during that period. Both the president and the Prime Minister Adrian Nastase are constantly opposing the real concern of the American Ambassador to Romania, Michael Guest, regarding the corruption of Romanian officials considering his rightful position as "unacceptable interference in Romania's internal affairs." For a more detailed information of members of The Helsinki Commission, please find attached a copy of my article exposing the visceral opposition of the neo-Communist leaders to the restitution of private properties in Romania. The article was sent, on August 02, 2003, to *The Washington Times* for publication in *FORUM*.

Sincerely,

IOAN CATON PALTINEANU
President PALTIN, International Inc.

**“ROMANIA’S NEO-COMMUNIST LEADERS OPPOSE
RESTITUTION OF PRIVATE PROPERTIES”
AN ARTICLE BY IOAN CATON PALTINEANU**

Recent statements of Romania’s President Ion Iliescu, a former high rank Communist party official, regarding the inopportune claim of Jews deposed of their private properties during and after World War II, reflect his own “Social Democrat Party,” and the “Greater Romania Party” visceral opposition to the integral restitution of private properties regardless of the nationality of legal owners. It is the merit of *The Washington Times* to accept publishing in the *Forum*, since 1998, articles exposing the reality of the so called “Democratic Romania,” in which a limited number of neo-Communists, opportunists, and their political clientele have been illegally using private properties not only of the former and current Romanian citizens, but also of the foreign investors in Romania during the pre and post World War II period.

The Red Army tanks brought international Communists, trained in the Soviet Union, to the Kingdom of Romania, after August 23, 1944. They arrested, deported and killed private property owners, nationalizing their properties in the name of the “Romanian People.” In reality the Communist activists have used those private properties (individual houses, apartments, as well as large community properties including lands and forests) for their own benefit. A special department (The Party’s Sector) was established to manage and exploit these former private properties to the benefit of the Communist Party activists and their cronies. This department, under a new name, is still functioning today. An excellent characterization of the current opportunists, “dissidents,” can be easily accomplished by looking at their past and present occupancy of nationalized or stolen properties.

President Ion Iliescu and other current officials trained in Moscow, or their followers, are among the long time profiteers of the nationalized properties in Romania. It is no secret that nationalized houses; along with all belongings (paintings, furniture, pianos, oriental rugs, silverware, cars, etc.) some of them owned by the Romanian Jews, have been occupied and illegally exploited by the Communist regime activists for 50 years. Since the December 1989 events, when a popular revolt of young people was clearly against the Communist regime, a clique of opportunists from the second and third tier of Communist party sized political and economic power, continuously opposing the integral restitution of private properties to the legal owners in Romania. These individuals in positions of power, who are exposing an incredible accumulation of personal wealth in a short period of time, are responsible for keeping the majority of Romanians at very low standards of life, and making the access of Romania to E.U. and NATO questionable. In a clear Moscow’s teachings spirit, the President of Romania suggested to the Israel press, recently, that claims for private property restitution to the real owners of Jewish origin should be postponed or annulled. Also, he suggested that today’s Romanians should not be “skinned” for the nationalization of properties during and after World War II. Targeting a minority of private property owners of Jewish origin, the President of Romania is suggesting to the majority of Romanian claimants, that the responsibility for Romania’s difficulties and poverty is not the result of his Social Democrat Party rule of more than a decade out of 14 years since December 1989 events, but the result of integral restitution of private properties to the legal owners.

The Commission on Security and Cooperation in Europe is monitoring the situation of “Property Restitution in Central and Eastern Europe: The State of Affairs for American Claimants” One Hundred Seventh Congress-Second Session, July 16, 2002 (see

<http://www.csce.gov> at Property restitution). Romania was cited again for abuses against private property rights of individuals, communities and churches. Published statements reveal the magnitude of nationalized, or stolen properties by the Communist regime, still occupied by party loyalists and illegally exploited by the Romanian Government. According to the materials submitted for the record by Mr. Mihai Vinatoru, President of the Committee for Private Property Inc., New Jersey (<http://www.romhome.org>), there are about 250,000 requests for restoration of property rights in Romania. The statement estimates that “around 10, 000 American Citizens of Romanian origin were deprived of their property rights in Romania.” In a separate statement the author of this article, based on Romanian official documents found at the National Agricultural Library (Beltsville, MD), has shown that “the current Romanian Government continues to illegally hold and use 4.7 million hectares (11.6 million acres) of forest lands stolen from the rightful private owners and communal ownership by the former Communist regime.” Materials submitted by Mr. Randolph M. Bell, Special Envoy for Holocaust Issues, U.S. Department of State, show that in the case of Romania “the Jewish property claims include approximately 800 hospitals, schools, retirement homes and other properties confiscated by the Communist government. A foundation established by the Federation of Jewish communities in Romania and the World Jewish Restitution Organization has received approximately 40 of these properties. Documenting ownership has been difficult for the foundation because of lack of access to archives.”

Under the current Social Democrat Party’s dictate and political manipulation, real justice cannot be performed in Romania. Legal property owners, deposed of their rights, must take the long and painful way of applying to the European Court of Human Rights. It is the merit of the European Court to favorably resolve cases against the Romanian justice rulings, in spite of the vocal opposition of profiteers. Once again the Romanian taxpayer must contribute for the payment of houses continuously occupied by the Communist and neo-Communist activists. In the mean time corruption has been promoted by the long rule of the neo-Communists since December 1989. While Romania’s ambassadors to Washington D.C., appointed by President Ion Iliescu, have been lobbying for new international funds, and for American companies to invest in Romania, the American Ambassador to Bucharest, Mr. Michael Guest, is continuously exposing the well known corruption in administration and lack of real reforms to promote foreign investments in Romania. In spite of the real support for genuine cooperation between the United States of America and Romania, the American Ambassador recently came under crossfire of words from the leaders of the neo-Communist parties Adrian Nastase (Social Democrat) and Corneliu Vadim Tudor (Greater Romania), as well as from President Ion Iliescu himself, for “unacceptable interference in the Romania’s internal affairs.”

Under the new circumstances, the U.S. administration and Congress should revisit and amend the attitude of the Romanian President, Prime Minister, and the leaders of the Parliament and political parties toward restitution of private properties regardless of the nationality of claimants (American, Jew, Romanian or other nationalities) and for eradication of corruption in administration, deny of private owners access to achieves, delay of restitution of properties to the rightful owners under the current approved laws.

Prospective American investors should be warned about the danger of investing in Romania until integral restitution of private properties is not accomplished. At the same

time a monitoring system including checks and balances on the Romanian authorities spending of American taxpayer money, or international funds, should be established with the assistance of Romanian American and Jewish organizations and individuals directly implicated in the restitution of property rights in Romania.—*Ioan Caton Paltineanu, Ph.D. Laurel, Maryland (The writer is former Romanian State Secretary (1991–1992) of the Land Reclamation Department, Ministry of Agriculture and Food).*

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the **Commission on Security and Cooperation
in Europe (CSCE)**.



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